

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MELLOW BEVERAGE CO., LLC, )  
vs. ) Plaintiff, ) Case No. 2:09-cv-02090-LDG-PAL  
SHANNON N. NOUNNA, *et al.*, ) Defendants. ) **ORDER**  
(Ex Parte Reqst to Vacate - Dkt. #45)

Before the court is a Notice of Defendant's Bankruptcy Petition and Ex Parte Request to Vacate Deadline to Submit Pretrial Order (Dkt. #45), filed by the Plaintiff. The notice indicates that on August 10, 2010, Defendant Shannon N. Nounna filed a voluntary petition with the United States Bankruptcy Court for the District of Nevada, and that Plaintiff just learned of Defendant's bankruptcy December 15, 2010, when contacting Defendant's counsel regarding the Joint Pretrial Order due Friday, December 17, 2010. Plaintiff asks that the court vacate the deadline for filing the Joint Pretrial Order as a result of Defendant Nounna's bankruptcy.

Although the bankruptcy code's automatic stay provisions prohibit proceeding with the case against Defendant Nounna, it does not automatically stay this action as to Defendant Beverage Concepts, Inc. The court will require counsel for Plaintiff to confer with counsel for Beverage Concepts, Inc., and submit a joint status report to advise the court how Plaintiff proposes to proceed against Defendant Beverage Concepts, Inc., and whether Plaintiff intends to seek relief from the automatic stay provisions of the bankruptcy code as to Defendant Nounna.

**IT IS ORDERED** that:

1. Counsel for Plaintiff and Counsel for Defendant Beverage Concepts, Inc., shall meet and confer and submit a Joint Status Report no later than **January 10, 2011**.

1       2       A telephonic status hearing is set for **Tuesday, January 11, 2011 at 9:30 a.m.** Each  
2       party requesting to appear telephonically is instructed to call Jeff Miller, Courtroom  
3       Deputy, at (702) 464-5420 **before 4:00 p.m., January 10, 2011**, to indicate the name of  
4       the party participating and a telephone number where that party may be reached. The  
5       courtroom deputy will initiate the call.  
6       3. The obligation to file the Joint Pretrial Order is stayed, and the court will address the  
7       matter at the hearing.

8       Dated this 23<sup>rd</sup> day of December, 2010.



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10      Peggy A. Leen  
11      United States Magistrate Judge